

IDAHO BOARD OF COSMETOLOGY

Meeting of the Board

October 2, 2000

Meeting called to order at 8:30 a.m. Roll call: Christy Stutzke, Chair; Carol Martin, Vice-Chair; Patrick Ulsh, Kimber Hicks, Geneal Thompson, Secretary. Bureau staff present: Tomas E. Limbaugh, Bureau Chief; Budd Hetrick, Deputy Bureau Chief; and Helen Piippo, Cosmetology Board Secretary.

Others present: Birgitta Grieser, Vanessa Hegy, Lena Hartman, Jessica Wallers, Kathy DeLoera, Teresa Sauhrada, Kelly Goldsberry, Peggy Foster, Eric Negaard, Michelle Reinke, Nancy Roland, E.B. Scholes, Jr.

Motion by Ms. Martin to accept the minutes of the June 2000 board meeting and the July 2000 conference call. Seconded by Mr. Ulsh. Motion carried.

SCHOOL OWNERS

Mr. Hicks stated that the school owners had no concerns at this time. Mr. Hicks read letter from Career Beauty College regarding the Idaho Law exam. Mr. Hicks stated that the exam is okay with the other schools. Ms. Stutzke stated that the board had reviewed the law questions at the June Board meeting and made some changes.

NEW BUSINESS

Ms. Stutzke reviewed the process regarding endorsement applicants who have taken the NIC exams, but have not met the required hours or work experience requirements. Mr. Hicks stated that endorsement applicants should meet the necessary hour and experience requirements of Idaho. Discussion was held regarding necessary instructions for endorsement candidates. Mr. Erickson will review this issue.

Ms. Stutzke reviewed the 2001 exam dates. Motion by Mr. Hicks to approve the 2001 exam dates. Seconded by Ms. Martin. Motion carried.

Ms. Stutzke stated that a training session for examiners would be held in 2001. After discussion, it was decided to have training scheduled in March.

Ms. Stutzke reviewed upcoming vacancies for Board members and Examiners. Positions to expire November 1, 2000 are Ms. Martin and Ms. Thompson. Ms. Martin and Ms. Thompson each noted they would like to be re-appointed for another term. Mr. Ulsh noted that examiners to fill vacant positions. One position is for three years and the other position is for one year. Karen Shrum has submitted a letter to the governor to be appointed. Jan Chase has also expressed an interest. Marie LaCroix's position in Northern Idaho is vacant and Mary Lambert has expressed interest in being appointed to that position.

Mr. Hicks noted the slash (/) between electrology and esthetician is confusing as to whether this Board member can be an electrologist or an esthetician, or if they must hold both licenses to be a member on the Board. Ms. Stutzke asked that the Board prepare a written interpretation for clarification.

Mr. Limbaugh reviewed the financial report and the proposed rules for that have been submitted for cosmetology. No discussion held at the present.

Mr. Kersey reviewed the investigative report. Mr. Hicks stated that the school owners had questions about inspections being done a minimum of two times per year. It was stated that salons are to have inspections done at least once per year.

Ms Stutzke informed Board that Mr. Hicks was appointed Second Vice President for National and Patrick Ulsh was appointed Region IV Director for National at the National Meeting held in Las Vegas, Nevada in August 2000.

Kirsten Wallace presented Consent Orders for the Board's review.

Motion by Ms Martin to accept Stipulation and Consent Order for file #COS-LIA-02A-99-020. Seconded by Mr. Ulsh. Motion carried.

Motion by Mr. Hicks to accept Consent Order for file #COS-BIB-01-99-033. Seconded by Ms. Martin. Motion carried.

Second part of file #COS-BIB-01-99-033 was reviewed with Board as to Voluntary Surrender, Findings of Fact, Conclusions of Law and Final Order. Discussion held. Motion by Mr. Hicks to accept volunteer surrender of license, that the license be revoked, and a monetary penalty be paid. Seconded by Mr. Ulsh. Discussion held. Motion carried.

Motion by Mr. Ulsh to go into executive session to review pending litigation matters. Seconded by Ms. Martin. Motion carried.

Motion by Mr. Ulsh to come out of executive session. Seconded by Ms. Martin. Motion carried.

Motion by Mr. Hicks to table information from Ms. Wallace. Seconded by Mr. Ulsh. Motion carried.

Mr. Hetrick distributed the 2001 contract to Board and discussed the updates. Mr. Hetrick gave an update on Laser Grade computer testing. The Bureau has two computers that will soon be ready for computer testing. It was noted that candidates receive a printout of results at LaserGrade test sites, and that test scores will not be accepted unless application has been made to the Bureau prior to taking exam.

Meeting adjourned at 11:50 a.m.

Meeting reconvened at 1:30 p.m.

Motion by Mr. Hicks that, regarding file #COS082100DAR, a letter be sent to both the apprentice and instructor, requesting a more detailed breakdown of the curriculum training hours. Seconded by Ms. Thompson. Motion carried.

Motion by Mr Hicks that, regarding file #COS072999ALE, the apprentice training be disallowed and applicant denied for exam. Seconded by Ms. Martin. Motion carried. Mr Hicks stated that the instructor of the apprenticeship be sent a letter of explanation.

Motion by Ms. Thompson that, regarding file #COS092600DIE, endorsement be granted only after verification of employers' names and dates of employment. Seconded by Ms. Martin. Motion carried.

Correspondence reviewed.

A letter was read concerning the written exam being disruptive. Discussion was held as to having more than one person in the room to monitor. No further action taken.

The Board discussed the allowed Honorariums. It was noted that Board examiners are allowed \$50.00 per day. Motion made by Ms. Martin that examiners receive \$100.00 for day of examination only. Seconded by Mr. Hicks. Motion did not carry. Discussion held as to having Sunday pre-exam meetings. The option of the meeting on Sunday will be the option of the chair for that month's exam. Motion made by Mr. Hicks that on exam days, examiners and policy Board members are paid per diem. Seconded by Mr. Ulsh. Motion carried.

Meeting adjourned at 4:00 p.m.

Meeting reconvened at 8.30 a.m. on October 3, 2000.

Motion by Mr. Ulsh that the recommended action for files #COS-B1A-02A-00-021 be accepted. Seconded by Mr. Hicks. Motion carried.

Motion by Ms. Thompson to accept the recommended action for file #COS-B1A-02A-00-020. Seconded by Ms. Martin. Motion did not carry.

Motion by Mr. Ulsh to amend the Stipulation and Consent Agreement for file #COS-B1A-02A-00-020 to include a \$150.00 fine payable in one payment and 6 months probation. Seconded by Mr. Hicks. Discussion held. Motion carried.

Motion by Mr. Hicks to not accept the Stipulation and Consent Order on file #COS-L1A-02A-99-020 which was presented on October 2, 2000. Seconded by Mr. Ulsh. Motion carried.

Motion by Mr. Hicks, regarding file #COS-B1A-02A-00-020, to impose a \$100.00 fine plus one year probation. Seconded by Mr. Ulsh. Motion carried.

Motion by Mr. Hicks, regarding file #COS-B1-02A-00-014, to impose \$300.00 fine plus one year probation. Seconded by Ms. Thompson. Motion carried.

Motion by Mr. Ulsh, regarding file #COS-B1-02A-00-013, to impose \$300.00 fine plus one year probation. Seconded by Ms. Thompson. Motion carried.

Motion by Mr. Ulsh, regarding file #COS-B1B-02-00-009, to accept recommended action. Seconded by Mr. Hicks. Motion carried.

Motion by Mr. Hicks, regarding file #COS-B5A-02-00-002, to accept recommended action and grant the student hours. Seconded by Mr. Ulsh. Motion carried.

Files #COS-P1A-02B-00-008, #COS-P4-02A-99-013, #COS-P3-02A-99-022 and COS-1A-02A-99-030 were closed.

Written Interpretation:

1) Apprenticeships – 54-807 (Rule 700) Whether it be a primary salon license or a contiguous salon license that is applying for apprenticeship program - the program can only be done in the Instructor's licensed area. Discussion was held on having a diagram of the salon be sent with application as to where apprenticeship will be conducted and also identify any contiguous salons in primary.

2) Demo Permits – 54-827 (Rule 176) - Permit is needed to hold educational program on live human body in unlicensed facility. If on mannequin no permit needed. If event is in unlicensed facility and is being done by Idaho licensees there needs to be \$10.00 fee paid for facility. If in licensed facility – no permit is needed.

If students from multiple schools in one facility – needs \$10.00 permit for facility only. If student from outside hosting school works on live body will need \$10.00 permit.

All individuals from out of state need to pay \$10.00 each for permit done on live human body.

Motion by Mr. Hicks to go into executive session. Seconded by Mr. Ulsh. Motion carried.

Motion by Mr. Ulsh to come out of executive session. Seconded by Mr. Hicks. Motion carried.

Motion by Ms. Martin to pay Fall NIC Board expenses for Mr. Hicks and Mr. Ulsh.
Seconded by Ms. Thompson. Motion carried.

Discussion held on setting proposed fine schedule.

Unlicensed Establishment: \$50/month for first 6 months

- 1) First offense – over six months - \$300.00 fine (7-12 months) plus 1 year probation – and/or suspension
- 2) Second offense - \$100/month for 3 months
\$500 after 3 months plus 2 years probation – and/or suspension
- 3) Third offense - \$500 plus suspension or revocation of license.

Unlicensed Practice: Fines need to be imposed on a case by case basis at the Boards discretion.

Allowing Unlicensed Practice:

- 1) First Offense - \$500.00 plus 1 year probation and/or suspension
- 2) Second Offense - \$750.00 plus 2 years probation and/or suspension
- 3) Third Offense - \$1,000 plus suspension or revocation of license

Written Interpretation – Allowing Unlicensed practice applies to those individuals that have never applied for a license within the State.

Practice in an Unlicensed Establishment:

- 1) First Offense - \$75.00 plus 1 year probation and/or suspension
- 2) Second Offense- \$150.00 plus 2 years probation and/or suspension
- 3) Third Offense - \$250.00 plus suspension or revocation

Failing to Allow Inspection of an Establishment: Fines imposed on a case by case basis with investigative support

Failing to Correct Unacceptable Conditions: Fines imposed on a case by case basis with investigative support.

Meeting adjourned at 11:30 a.m.

Meeting reconvened at 12:30 p.m.

School Defaults – 54-816 (9) notice to be on renewals regarding student loan default and that license may not be issued.

Written Interpretation:

Schools will be submitting lists showing students that are in default. When applications come into the office, they can be red flagged if there is a problem. Form letter to be done as to 54-816 (9) as to submitting evidence as to repayment to Board and have Board review before issuing license. Once documentation has been received and individual shows that they are in repayment mode, Board will review prior to reissuing license.

Motion by Mr. Hicks to go into executive session to discuss potential litigation.
Seconded by Mr. Ulsh, Motion carried.

Motion by Ms. Thompson to come out of executive session. Seconded by Mr. Ulsh,
Motion carried.

Motion by Mr. Ulsh to authorize Board Chair to sign the contract with Bureau. Seconded
by Ms. Thompson. Motion carried.

Discussion on endorsements candidates. Motion by Mr. Ulsh for endorsement
application fees to be \$100.00 for endorsement, \$75.00 for Idaho Jurisprudence exam and
\$25.00 for original licensure. Seconded by Ms. Martin. Motion carried.

Motion by Mr. Hicks that Board examiners be paid \$50.00 for travel day. Seconded by
Ms. Martin. Discussion held. Motion carried.

Motion by Ms. Martin that notification be put on license renewal as to any interest for
Policy Board and examiners positions. Seconded by Ms. Thompson. Discussion held.
Motion did not carry.

Motion by Mr. Ulsh to adjourn meeting. Seconded by Mr. Hicks. Motion carried.

Meeting adjourned at 2:50 p.m.

Christy Stutzke, Chair

Carol Martin, Vice-Chair

Geneal Thompson, Secretary

Patrick Ulsh

Kimber Hicks

Thomas E. Limbaugh, Bureau Chief

